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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,172	10/21/2003	Rajendra Mehta	STD 1204 PA/41213.558/PD	3945
7590	05/19/2005			EXAMINER
DINSMORE & SHOHL LLP Suite 500 One Dayton Centre Dayton, OH 45402-2023			FAISON, VERONICA F	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,172	MEHTA, RAJENDRA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Veronica F. Faison	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 24 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 3,16,24,28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 24 and 30-38 is/are allowed.
- 6) Claim(s) 3,16 and 28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Response to Amendment***

Claims 3, 16, 24 and 28 have been amended, claims 30-38 have been added and claims 1, 2, 4-15, 17-23, 25-27 and 29 have been canceled. Hence, claims 3, 16, 24, 28 and 30-38 are pending in the application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by De La Fuente (US Patent 5,958,123).

De La Fuente teaches an ink composition comprising water, a mica-based pigment, a hydroxyalkyl cellulose binder and a water-soluble or water-dispersible surfactant coating aid (abstract and col. 1 lines 46-53). The reference further teaches that the preferred mica is coated with one or more metal oxides, such as titanium dioxide and iron oxide (inorganic coloring layer) that may be present in the composition in the amount of 10 to 25 percent by weight (col. 1 line 67-col. 2 line 6). The Examiner would like to point out that the citation “water-based ink to be used in flexographic printing process” is of no consequence when a composition is the same. Ultimate intended utility does not make a composition patentable, however the reference discloses that the ink composition may be printed by a few printing processes including

flexography (col. 3 lines 14-16). The composition as taught appears to anticipate the claimed invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US Patent 6,730,154).

Inoue et al teach a polychromic ink composition depending on viewing angle comprises 0.5 to 40 percent by weight of cholesterol liquid crystal polymer particles, 0.1 to 30 percent by weight of binder resin, 0.5 to 20 percent by weight of pigments with a deep-colored coloring matter and water (abstract). The ink composition may also comprise a colorant such as a water-soluble dyes which may include optical absorbents (fluorescent dyes) such as Acid Red 52 (col. 7 lines 51-65). The binders present in the composition may include carboxymethyl cellulose, polyvinyl alcohols and polyvinyl pyrrolidones in the amount of 1 to 3 percent by weight (col. 9 lines 1-36). The reference teaches that water is the main solvent present in the composition (col. 9 lines 53-55).

Inoue et al fails to specifically exemplify the use of fluorescent dye as claimed by applicant. Therefore, it would have been obvious to one of ordinary skill in the art to use the fluorescent dye as claimed by applicant as Inoue et al also discloses the use of fluorescent dye (optical absorbents) but shows no example incorporating them.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over De La Fuente (US Patent 5,958,123) in view of Takahashi (US 2003/0051634).

De La Fuente is described above, but fails to a method of providing security information.

Takahashi teaches an high-chromatic flaky pigment wherein the substrate is coated with a metal oxide having an interference color that is further coated with a semi-transparent thin metal film to enhance the interference color and flop effect of the pigment (abstract and page 1 para. 0005-0007). The reference further teaches that flaky pigment may be used in security inks or for preventing forgeries by use in a security document (page 1 para. 0017). The ink composition also comprises an additional pigment such as metal oxide-coated mica including iron oxide and titanium oxide-coated mica (page 5 para. 0071). The composition may be used in various printing ink such as flexographic printing ink and security printing inks (page 4 para. 0066). The pigments taught are effective for preventing forgeries of certificate matters such as checks, credit card, securities, tickets and identification card (page 5 para. 0073).

Therefore it would have been obvious to one of ordinary skill in the art to use the ink composition of De La Fuente in the method of providing security information as taught by Takahashi, because Takahashi teaches that the use of metal oxide-coated mica may be used for preventing forgeries because the color change can not be duplicated.

***Allowable Subject Matter***

The indicated allowability of claims 3 and 16 is withdrawn in view of the newly discovered reference(s) to De La Fuente (US Patent 5,958,123) and Takahashi (US 2003/0051634). Rejections based on the newly cited reference(s) follow.

Claim 24 and 30-38 are allowed.

The following is an examiner's statement of reasons for allowance:

The references alone or in combination fail to teach a method of providing security information wherein a portion of a substrate uses flexographic printing and uses a laser printing subsequent to printing at least a portion of the substrate with the water based ink wherein the security information remains intact during the laser printing in view of the rest of the claim limitations. Therefore the references are not seen to teach or fairly suggest the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

Applicant's arguments with respect to claims 3, 16, 24 and 28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Veronica F. Faison whose telephone number is 571-

272-1366. The examiner can normally be reached on Monday-Thursday and alternate Fridays 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VFF  
3-15-05

J. A. LORENZO  
SUPERVISORY PATENT EXAMINER